

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. NO. 3622-02  
BILL NO. HCS for HB 1404 & 1262  
SUBJECT: Crimes and Punishment  
TYPE: Original  
DATE: February 1, 2000

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**FISCAL SUMMARY**

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ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue Fund	(Exceeds \$100,000)	(Exceeds \$100,000)	(Exceeds \$100,000)
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>(Exceeds \$100,000)</b>	<b>(Exceeds \$100,000)</b>	<b>(Exceeds \$100,000)</b>

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses

This fiscal note contains 3 pages.

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Office of Administration** and the **Office of Attorney General** assume the proposed legislation would have no fiscal impact on their agencies.

In response to a similar proposal, officials from the **Department of Public Safety - Missouri State Highway Patrol**, **Department of Revenue**, and the **Office of Prosecution Services** assumed the proposed legislation would have no fiscal impact on their agencies.

In response to a similar proposal, officials from the **Department of Corrections (DOC)** assumed the proposed legislation would take away the authority of the Board of Probation and Parole to convert consecutive sentences to concurrent sentences. DOC cannot currently determine the number of people affected by this proposal in the form of lengthened sentences.

**Oversight** assumes the proposal could result in more offenders being incarcerated or placed on probation. Additional costs for supervision and care by the DOC, although unknown, would likely exceed \$100,000 annually.

In response to a similar proposal, officials from the **Office of State Public Defender** assumed that existing staff could provide representation for those 15-20 cases arising where the indigent persons were charged due to the increased amount of time the prosecution would have to file charges. However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing the indigent accused.

In response to a similar proposal, officials from the **Office of State Courts Administrator** expected some cases to test the parameters of the proposal, but did not anticipate a significant increase in the workload of the judiciary.

**Oversight** assumes there could be some increase in local jail populations as a result of this proposal. However, Oversight assumes any fiscal impact to political subdivisions should be minimal.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
<b>GENERAL REVENUE FUND</b>			
<u>Costs</u> - Department of Corrections	(Exceeds	(Exceeds	(Exceeds
Increased beds	\$100,000)	\$100,000)	\$100,000)

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<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	0	0	0

FISCAL IMPACT - Small Business

No direct fiscal impact on small businesses would be expected due to this proposal.

DESCRIPTION

Current law allows a defendant to receive a reduction in punishment for an offense when the punishment is reduced by the statute enacted after the offense was committed but before the defendant is sentenced. This proposal would eliminate that provision. It would also remove the power of the Board of Probation and Parole to convert consecutive sentences to concurrent sentences when determining a total prison term.

This proposal would allow law enforcement officials to detain a person for 32 hours without charging the person with a crime if the person had been arrested for first or second degree murder, first degree assault or robbery, forcible rape or sodomy, or distribution or manufacture of drugs. Currently, a person who is arrested for these offenses must be released within 20 hours unless the person is charged with a crime.

This legislation is not federally mandated, would not duplicate any other program, and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Attorney General  
Office of State Courts Administrator  
Department of Corrections  
Department of Public Safety - Missouri State Highway Patrol  
Department of Revenue  
Office of Administration  
Office of Prosecution Services  
Office of State Public Defender



Jeanne Jarrett, CPA  
Director  
February 1, 2000